

RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
DIVISION

2007 JUL -2
LEBRA P. HACKETT, CJA
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

PLAINTIFF

v.

CASE ACTION NO.:

1:07cv616-mht

DEFENDANT

EEOC COMPLAINT

1. Plaintiff resides at B-12 Clatohoochee Court, Eufaula, ALA 36027
2. Defendant(s) name(s) DSI, AMERICAN BUILDINGS, EEOC

Location of principal office(s) of the named defendant(s) 600 West Adams Street
Dothan, AL 36303; 1150 STATE DOCK ROAD EUFALAL, ALA 36027; EEOC
RIDGE PARK PLACE, 1130 22ND STREET, SOUTH, BIRMINGHAM, AL 35205

Nature of defendant(s) business SECURITY COMPANY; METAL BUILDINGS;
EQUAL OPPORTUNITY EMPLOYMENT COMMISSION

Approximate number of individuals employed by defendant(s) 190 (Dothan office)
AMERICAN BUILDINGS (875), EEOC (500)+

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 §2000e-5(g).
4. The acts complained of in this suit concern:

1. Failure to employ me.
2. Termination of my employment.
3. Failure to promote me.
4. Other acts as specified below: FAILURE TO PROVIDE DECENT
WAGE PROMISED; HOSTILE WORK ENVIRONMENT; FLAMMATORY REMARKS;
INCOMPETENT ON EEOC PART; DISCRIMINATION ALL PARTIES; FRAUD

5. Plaintiff is:

- A. Presently employed by the defendant.
 Not presently employed by the defendant. The dates of employment were _____ Employment was terminated because:

- (1) Plaintiff was discharged.
(2) Plaintiff was laid off.
(3) Plaintiff left job voluntarily.

6. Defendant(s)' conduct is discriminatory with respect to the following:

- A. My race.
B. My religion.
C. My sex.
D. My national origin.
E. Other, as specified below: _____

Employee
Plant
Manager

7. The name(s), race, sex, and the position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant company is (are) ALAN WOOD, WHITE, MALE; JOHN HOWARD, WHITE, MALE; JAMES LEE, NEGRO, MALE, INVESTIGATOR; DEBRITZED, WHITE, FEMALE, EEOC ADR COORDINATOR

8. The alleged discrimination occurred on or about FEB 27, 2005.

9. The nature of my complaint, i.e., the manner in which the individual(s) named above discriminated against me in terms of the conditions of my employment, is as follows:

ALAN WOOD AND DSI USED DECEPTIVE COLLUSIVE DISCRIMINATORY ACTIONS WHEN THEY DID NOT PERFORM A CONTRACTUAL OBLIGATION. THEY SAID THEY WERE NEGOTIATING AND GOING TO SIGN A CONTRACT AND THEY WERE NOT DOING EITHER.

JOHN HOWARD SAID HE WOULD PUT IN THE PAPER WORK FOR MY RAISE BUT NO RAISE EVER CAME FORTH. PLANT EMPLOYEES HAVE RECEIVED THREE OR FOUR RAISES.

DISCRIMINATORY ACTION COULD BE ONLY CONCLUDED: CONSIDERING NONE OTHER REASONS AND POSSIBLE WORK ENVIRONMENT.

EEOC, JAMES LEE, DEBRITZED USED COLLUSIVE AND DISCRIMINATORY ACTION WHEN HE (JAMES LEE) DURING NEGOTIATION UNPLUGGED AND SAW IT HIS CAT DOES NOT KNOW WHAT HE IS DOING. ZETTA'S ACT OUT OF HERSELF LEFT THE ROOM WITH DSI. MRS. LEO PREPARED THE INVESTIGATIVE PROCESS BY STATUTE, I DID NOT HAVE A CASE, I ASK FOR ANOTHER NEGOTIATOR AND SHE SAID SHE WOULD SEND SOMEONE FROM THE MONTGOMERY OFFICE. SHE USE QUOTE AND CAME HERSELF. FOLLOWING PAGES INCLUDED.

10. The alleged illegal activity took place at American Building Location,
COURT HOUSE (ARBITRATION LOCATION)

11. I filed charges with the Equal Employment Opportunity Commission regarding defendant(s)' alleged discriminatory conduct on or about _____ I have attached a copy of the Notice-of-Right-to-Sue letter issued by the Equal Employment Opportunity Commission. The letter was received by me on April 4, 2007.
12. I seek the following relief:
- A. Recovery of back pay.
B. Reinstatement to my former job, and any other relief as may be appropriate, including injunctive orders, damages, costs, and attorneys fees.

Date: 6/29/07

Signature of Plaintiff

B-12 Chatt. Court
FUFAULIT, ALIA 36027
334-687-7336

Address & Telephone Number of Plaintiff

Petition Court to appoint Counsel.
Roger Recor

(9) ALAN Wood and DSI used deceptive, collusive, and discriminatory actions when they did not perform a contractual obligation. DSI used collusive and discriminatory actions when they left the room with Mr. James Lee the EEOC Negotiator when he made the statement that "This Cat does not know what he is doing." Let's get out of here".

ALAN Woods and DSI told me it was a three year contract when I started working and times after that. At the end of three years they said they were negotiating with John Howard but they were not. It was later found that the contract was negotiated every year. They were using fraudulent tactics to not give a raise. They told me in 2006 they were going to sign a contract around memorial Day but they were not truthful.

Because of their collusive and discriminatory acts my Civil Rights were violated and I was deprive of the right to a fair and impartial negotiations sessions and wages promised.

DSI submitted a document teaming with Lies to EEOC.

ALAN Woods told me they were negotiating from Feb 28, 2005 to Sept. 2005. I got tired of calling him and tried again in 2006. He repeated the same action and in 2006 I file a charge in July.

James Lee, EEOC Negotiator used discriminatory practices by stating "THIS CAT DOES NOT KNOW WHAT HE IS DOING" and left the Room with DSI in the first part of the Negotiating Process before any offer was made. His Prejudicial action made it impossible to receive any fair and impartial offer during Negotiation and resolution of my Case in a positive manner with EEOC.

Debra Lee used discriminatory practices by prejudging and prejudicing the Negotiating Process. The Negotiator is not allowed as stated in their "Question and Answers About Mediation Document" to decide who is right or wrong. She stated that I did not have a case. I immediately ask for another mediator. She said she would send someone from her Montgomery office. She came and did not properly introduce herself and proceeded to do the mediation. She had ~~been~~ been, too, been called Lee, Leo, Lea and other names so I did not recognize that she was the same person. There was no BONA FIDE offer made during Negotiation.

EEOC has shown a lack of aggressiveness in pursuing my case from start to finish. They were more than 20 days late on a 4 day phone call.

John Howard reneged on an contractual obligation when he promised to give a raise and it never came through. I believe it was my race and religion that was at issue considering the hostile environment that was and had been ⁱⁿ not acceptable of my race and religion. Management made derogatory statement about my self and blacks and my religion to employees. EEOC did not aggressively pursue action against American Buildings when I file my charge. They (American Buildings) showed a tendency to keep wages low for a group. This had a disparate effect.

DISMISSAL AND NOTICE OF RIGHTS

To: **Roger Reeves
B12 Chattahoochee Court
Eufaula, AL 36027**

From: **U.S. Equal Employment Opportunity
Commission
Ridge Park Place - Suite 2000
1130 22nd Street, South
Birmingham, AL 35205**

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

420 2006 03907**Roy L. Jackson, Investigator****(205) 212-2073****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Delner Franklin-Thomas, District Director

 4/5/07
 (Date Mailed)

Enclosure(s)

cc: **Eddie Sorrells
General Counsel**

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
PRIVATE SUIT RIGHTS --
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02 – not 12/1/02** – in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice.** (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.